

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Robert W. Johnson

Case No. 23-cv-410-JL-AKJ

v.


Facebook, et al.

**ORDER**

The court construes plaintiff's Motion/Request to file RICO claims and add defendant (doc. no. 6) as a Motion to amend his complaint. The Motion is denied. First, Magistrate Judge Johnstone is immune from suits based on her judicial decisions. See Zenon v. Guzman, 924 F.3d 611, 616 (1st Cir. 2019) ("[I]t is an axiom of black letter law that when a judge carries out traditional adjudicatory functions, he or she has absolute immunity for those actions.") Next, Mr. Johnson's proposed amended complaint, like his original complaint, fails to state a claim for relief as it contains no factual allegations in support of any of his legal claims. See Abraham v. Woods Hole Oceanographic Inst., 553 F.3d 114, 117 (1<sup>st</sup> Cir. 2009) ("[I]f the proposed amendment would be futile because, as thus amended, the complaint still fails to state a claim, the district court acts within its discretion in denying the motion to amend.").

Accordingly, plaintiff's motion to amend his complaint (doc. no. 6) is denied. In addition, even construing plaintiff's filing as an objection to Magistrate Judge Andrea K. Johnstone's October 11, 2023, Report and Recommendation, the court, after due consideration, overrules the objection and approves the Report and Recommendation that this case be dismissed without prejudice and that plaintiff's motion for default judgment (doc. no. 3) be denied as moot.

**SO ORDERED.**



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Joseph N. Laplante  
United States District Judge

Date: November 21, 2023

cc: Robert W. Johnson, pro se